

In consideration of these arguments, Applicant respectfully requests that the obviousness rejection of Claims 1-22 be withdrawn.

Claims 1-22 were rejected under 35 USC §103(a) as being unpatentable over WO 91/12303 ('303). This rejection is respectfully traversed for the following reasons. The '303 reference teaches a fuel additive composition for minimizing deposits in a gasoline intake system comprising a hydrocarbyl poly(oxyalkylene) aminocarbamate and a hydrocarbyl amine. The hydrocarbyl amine has a molecular weight between about 300 and about 700. The '303 reference teaches on page 10, lines 33-34 and page 11, lines 1-9, that the low molecular weight of the hydrocarbyl amine is required to obtain the surprising results of the invention, as well as to avoid precipitation problems. In the instant application, the stability of a fuel additive is disclosed and a hydrocarbyl amine with a molecular weight in the range of 750 to 3000 is used in combination with a hydrocarbyl poly(oxyalkylene) aminocarbamate. In the case cited by the Examiner, *Titanium Metals Corp. v. Banner*, 778 F.2d 775 (Fed. Cir. 1985), the patentee claimed an invention having proportions. These proportions were not the same as the prior art, but were close enough to warrant the patentee's claims anticipated and obvious. The case states at page 783, that "the proportions are so close that prima facie one skilled in the art would have expected them to have the same properties." Here, the prior art teaches that the use of a low molecular weight hydrocarbyl amine avoids a precipitation problem and accomplishes the purpose of the invention. As the instant application is directed toward fuel additive stability, one skilled in the art would not want to add something that would create precipitation problems. In the instant application, the ranges of the prior art and the claimed invention could be considered to overlap at the lower end, however, the prior art clearly teaches away from extending the range to as high a molecular weight as 3000 or more. In view of these arguments, Applicant respectfully requests that the obviousness rejection of Claims 1-22 be withdrawn.

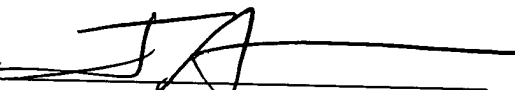
REMARKS CONCERNING SECTION 112

Claims 1-6, 9-11, 15 and 20 were also rejected under 35 USC §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In view of the above amendments to the claims, Applicant believes this rejection is obviated and respectfully requests that it be withdrawn.

In view of the above amendments and arguments, Applicant respectfully requests that this application now be allowed.

Respectfully submitted,
DAVID ROY KENDALL

By



Attorney, Jennifer D. Adamson
Registration No. 47,379
(713) 241-3901

P. O. Box 2463
Houston, Texas 77252-2463

MARKED UP VERSION OF THE CLAIMS

1. (Once Amended) An additive concentrate comprising:

an oil soluble hydrocarbyl poly(oxyalkylene) aminocarbamate having a number average molecular weight (M_n) in the range 600 to 10,000 with at least one basic nitrogen atom wherein the hydrocarbyl substituent contains 1-30 carbon atoms; and,

an oil soluble hydrocarbyl amine of formula $R-NH_2$ wherein R represents a group R' or a group $R'-CH_2-$, wherein R' represents a hydrocarbyl group having a number average molecular weight (M_n) in the range 750 to 6,000

wherein the aminocarbamate and the amine have a weight ratio in the range of 6:1 to 1:6.

2. (Once Amended) The concentrate of Claim 1, in which the weight ratio of the hydrocarbyl poly(oxyalkylene) aminocarbamate to the hydrocarbyl amine of formula $R-NH_2$ is in the range [6:1 to 1:6] 1:1 to 1:2.

7. (Once Amended) A gasoline composition comprising:

a major amount of a gasoline suitable for use in a spark ignition engine; and,

a minor amount of additive concentrate comprising:

an oil soluble hydrocarbyl poly(oxyalkylene) aminocarbamate having a number average molecular weight (M_n) in the range 600 to 10,000 with at least one basic nitrogen atom wherein the hydrocarbyl substituent contains 1-30 carbon atoms; and,

an oil soluble hydrocarbyl amine of formula $R-NH_2$ wherein R represents a group R' or a group $R'-CH_2-$, wherein R' represents a hydrocarbyl group having a number average molecular weight (M_n) in the range 750 to 6,000

wherein the aminocarbamate and the amine have a weight ratio in the range of 6:1 to 1:6.

9. (Once Amended) The gasoline composition of claim 8 in which the weight ratio of the hydrocarbyl poly(oxyalkylene) aminocarbamate to the hydrocarbyl amine of formula $R-NH_2$ is in the range [6:1 to 1:6] 1:1 to 1:2.

13. (Once Amended) A process for the preparation of a gasoline composition which comprises:

adding to gasoline an additive concentrate comprising:

an oil soluble hydrocarbyl poly(oxyalkylene) aminocarbamate having a number average molecular weight (M_n) in the range 600 to 10,000 with at least one basic nitrogen atom wherein the hydrocarbyl substituent contains 1-30 carbon atoms; and,

an oil soluble hydrocarbyl amine of formula $R-NH_2$ wherein R represents a group R' or a group $R'-CH_2-$, wherein R' represents a hydrocarbyl group having a number average molecular weight (M_n) in the range 750 to 6,000

wherein the aminocarbamate and the amine have a weight ratio in the range of 6:1 to 1:6.

15. (Once Amended) The process of Claim 13 in which the weight ratio of the hydrocarbyl poly(oxyalkylene) aminocarbamate to the hydrocarbyl amine of formula $R-NH_2$ is in the range [6:1 to 1:6] 1:1 to 1:2.

18. (Once Amended) A method of operating a spark-ignition internal combustion engine which comprises introducing into the combustion chambers of said engine a gasoline composition comprising:

a major amount of a gasoline suitable for use in a spark ignition engine; and,

a minor amount of additive concentrate comprising:

an oil soluble hydrocarbyl poly(oxyalkylene) aminocarbamate having a number average molecular weight (M_n) in the range 600 to 10,000 with at least one basic nitrogen atom wherein the hydrocarbyl substituent contains 1-30 carbon atoms; and,

an oil soluble hydrocarbyl amine of formula $R-NH_2$ wherein R represents a group R' or a group $R'-CH_2-$, wherein R' represents a hydrocarbyl group having a number average molecular weight (M_n) in the range 750 to 6,000

wherein the aminocarbamate and the amine have a weight ratio in the range of 6:1 to 1:6.

20. (Once Amended) The method of Claim 18 in which the weight ratio of the hydrocarbyl poly(oxyalkylene) aminocarbamate to the hydrocarbyl amine of formula $R-NH_2$ is in the range [6:1 to 1:6] 1:1 to 1:2.